

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MARIO JIMINEZ, #244 571

*

Petitioner,

*

v.

*

3:07-CV-187-MEF

HARVEY GRIMMER, WARDEN, *et al.*,

*

Respondents.

*

ORDER ON MOTION

Petitioner requests that the instant habeas corpus proceeding be stayed , or in the alternative, placed on “hold,” pending his exhaustion of state remedies. Petitioner’s motion has been read, considered, and shall be denied.

Granting Petitioner’s request would require ignoring the clear intent of Congress in enacting the limitations periods in the Anti-Terrorism and Effective Death Penalty Act of 1996 (“AEDPA”). 28 U.S.C. §2244(d)(1) provides that federal habeas corpus relief must, except in very limited circumstances, be sought within one year from the conclusion of direct appeal proceedings. The time during which a properly filed post-conviction proceeding is pending does not count towards this one year period. 28 U.S.C. §2244(d)(2). This is a reasonable limitations period. Petitioner does demonstrate circumstances peculiar to his case which make it impossible for him to comply with this deadline.

In light of the foregoing, it is

ORDERED that the Motion to Stay (Doc. No. 7) be and is hereby DENIED.

Done, this 29th day of March 2007.

/s/ Terry F. Moorers
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE